

1  
2  
3  
4  
5  
6                   **UNITED STATES DISTRICT COURT**  
7                   **WESTERN DISTRICT OF WASHINGTON**  
8                   **AT SEATTLE**

9                   UNITED STATES OF AMERICA,

10                  Plaintiff,

Case No. 19-563 MLP

11                  v.

DETENTION ORDER

12                  TIMOTHY SMITH,

13                  Defendant.

14                  Offenses charged:

15                  Count 1:       Sex with Person Less Than 12 Years Old, 18 U.S.C. § 2241(c)

16                  Date of Detention Hearing: November 22, 2019

17                  The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
18 based upon the reasons for detention stated on the record and as set forth below, finds:

19                  **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

20                  1.       There is a rebuttable presumption that no conditions or combination of conditions  
21                   will reasonably assure the appearance of the Defendant and the safety of the  
22                   community pursuant to 18 U.S.C. § 3142(e) because Defendant is charged with an  
23                   offense involving a minor victim under section 2241.

- 1           2. The Court finds that the Defendant has met his burden of rebutting the presumption,  
2           but the Court is not satisfied that there are sufficient conditions to assure the  
3           Defendant's appearance or the safety of the community.
- 4           3. Defendant does not appear to have ever had contact with law enforcement and is  
5           now charged with a crime that carries a 30-year mandatory minimum sentence and  
6           a sentence of up to life. The Court is concerned that the Defendant will not appear  
7           in the Western District of Missouri to face these charges.
- 8           4. Defendant has no criminal history and is 55 years old. He has strong ties to the  
9           community and, until recently, had stable residence and employment in the  
10          jurisdiction. The Court therefore finds that the history and characteristics of the  
11          Defendant weigh in favor of release.
- 12          5. The nature and circumstances of the offense involve serious allegations of seven  
13          years of sexual abuse of a child under the age of twelve. Defendant is alleged to  
14          have deleted evidence of the crime and also allegedly requested that the victim do  
15          the same. Defendant was interviewed regarding the allegations and admitted to  
16          some of the allegations while attempting to minimize them. The Court therefore  
17          finds that nature and circumstance of the offense and the weight of the evidence  
18          weigh in favor of detention.
- 19          6. The nature and seriousness of the danger to other children or persons in the  
20          community weighs in favor of detention.
- 21          7. There does not appear to be any condition or combination of conditions that will  
22          reasonably assure the defendant's appearance at future court hearings while  
23          addressing the danger to other persons or the community.

1 IT IS THEREFORE ORDERED:

- 2 (1) Defendant shall be detained pending trial, and committed to the custody of the  
3 Attorney General for confinement in a correction facility separate, to the extent  
4 practicable, from persons awaiting or serving sentences or being held in custody  
5 pending appeal;
- 6 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
7 counsel;
- 8 (3) On order of a court of the United States or on request of an attorney for the  
9 government, the person in charge of the corrections facility in which defendant is  
10 confined shall deliver the defendant to a United States Marshal for the purpose of  
11 an appearance in connection with a court proceeding; and
- 12 (4) The Clerk shall direct copies of this Order to counsel for the United States, to  
13 counsel for the defendant, to the United States Marshal, and to the United States  
14 Pretrial Services Officer.

15 Dated this 22<sup>nd</sup> day of November, 2019.

16  
17 

18 MICHELLE L. PETERSON  
19 United States Magistrate Judge  
20  
21  
22  
23